

**AMENDED AFFIDAVIT OF SERVICE**

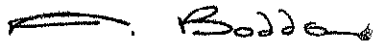
NOTARY PUBLIC GEORGE TOWN  
GRAND CAYMAN, CAYMAN ISLANDS

CERTIFICATE OF NOTARY

I, Audrey Bodden, Deputy CLERK OF THE COURTS OF THE CAYMAN ISLANDS  
DO HEREBY CERTIFY THAT DELENE CACHO NOTARY PUBLIC, is validly  
appointed and remains a Notary Public under the Notaries Public Law.1982 (2006  
Revision).

HER License expires 31<sup>st</sup> January, 2011

Dated this 18th day of May 2010



Deputy CLERK OF COURTS  
FOR THE CAYMAN ISLANDS

F.P. 35/10

Civil Case No.: 09 CIV 289 (RMB) (HBP)

**REQUEST  
FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS**

**DEMANDE**

**AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ÉTRANGER  
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE**

Convention on the service abroad of judicial and extrajudicial documents in civil or  
commercial matters, signed at The Hague, November 15, 1965.

*Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile  
ou commerciale, signée à La Haye, le 15 Novembre 1965.*

**Identity and address of the applicant**  
*Identité et adresse du requérant*

Karina Shreefer, Esq.  
LEGAL LANGUAGE SERVICES  
8014 State Line Road, Suite 110  
Leawood, Kansas 66208  
UNITED STATES OF AMERICA  
Tel. 1.913.341.3167

**Address of receiving authority**  
*Adresse de l'autorité destinataire*

HAGUE CENTRAL AUTHORITY FOR THE CAYMAN  
ISLANDS  
Courthouse  
Clerk of the Courts  
Georgetown  
Grand Cayman  
CAYMAN ISLANDS

The undersigned applicant has the honour to transmit in duplicate the document listed below and, in conformity with article 5 of the  
above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,  
(identity and address)

*Le requérant soussigné a l'honneur de faire parvenir—en double exemplaire—à l'autorité destinataire les documents ci-dessous énumérés,  
en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savoir:*  
(identité et adresse) Michael WHEATON, an individual at his place of employment: Axiss International Management Ltd.

2<sup>nd</sup> Floor, Windward III, Regatta Office Park, 85 Peninsula Ave., Grand Cayman, KY1-1207  
CAYMAN ISLANDS

☐ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.\*

*(a) selon les formes légales (article 5, alinéa premier, lettre a):*

☒ (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)\*:

*(b) selon la forme particulière suivante (article 5, alinéa premier, lettre b):* Personal (in-hand) service by a Judicial Officer in accordance  
with your internal law for service of documents upon persons or entities in your territory.

Check for services of Judicial Officer attached.

☐ (c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)\*:

*(c) le cas échéant, par remise simple (article 5, alinéa 2):*

The authority is requested to return or to have returned to the applicant a copy of the documents—and of the annexes\*—with a certificate  
as provided on the reverse side.

*Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte—et de ses annexes—avec  
l'attestation figurant au verso.*

THE PERSONS AND ENTITIES WITHIN THE UNITED STATES COMPETENT TO FORWARD SERVICE REQUESTS PURSUANT TO  
ARTICLE 3 INCLUDE ANY COURT OFFICIAL; ANY ATTORNEY; OR ANY OTHER PERSON OR ENTITY AUTHORIZED BY THE RULES OF  
THE COURT. (See U.S. declarations at Hague Conference website: [http://www.hcch.net/index\\_en.php?act=authorities.details&aid=279](http://www.hcch.net/index_en.php?act=authorities.details&aid=279))

**List of documents**

*Énumération des pièces*

Executed "Request," in duplicate

"Certificate" (unexecuted), in duplicate

"Summary," in duplicate

"Notice," in duplicate

Summons in a Civil Action, in duplicate

Consolidated Amended Complaint, in duplicate

Certification of Plaintiff Pursuant to Federal Securities Laws,

in duplicate

\*Delete if inappropriate

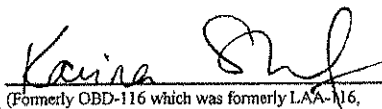
*Rayer les mentions inutilisées.*

Done at Leawood, Kansas, U.S.A., the 6 April 2010

Fait à \_\_\_\_\_, le \_\_\_\_\_

Signature and/or stamp.

*Signature et/ou cachet.*



(Formerly OBD-116 which was formerly L.A.A.-116,  
both of which may still be used)

USM-94

(Est. 11/22/77)

**CERTIFICATE  
ATTESTATION**

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,  
*L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,*

1) that the document has been served \*

*1. que la demande a été exécutée*

- the (date)
- *le (date)*
- at (place, street, number)
- *à (localité, rue numéro)*

- in one of the following methods authorised by article 5-

*- dans une des formes suivantes prévues à l'article 5:*

- ☐ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention\*.  
*a) selon les formes légales (article 5, alinéa premier, lettre a).*
- ☐ (b) in accordance with the following particular method\*:  
*b) selon la forme particulière suivante :*
- ☐ (c) by delivery to the addressee, who accepted it voluntarily. \*  
*c) par remise simple*

The documents referred to in the request have been delivered to:

*Les documents mentionnés dans la demande ont été remis à:*

- (identity and description of person)
- *(identité et qualité de la personne)*

- relationship to the addressee (family, business, or other):

*- liens de parenté, de subordination ou autres, avec le destinataire de l'acte:*

2) that the document has not been served, by reason of the following facts\*:

*2. que la demande n'a pas été exécutée, en raison des faits suivants:*

~~In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*.~~

~~Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.~~

Annexes

*Annexes*

Documents returned:

*Pièces renvoyées:*

Done at \_\_\_\_\_, the \_\_\_\_\_

Fait à \_\_\_\_\_, le \_\_\_\_\_

In appropriate cases, documents establishing the service:

*Le cas échéant, les documents justificatifs de l'exécution:*

Signature and / or stamp.

*Signature et / ou cachet.*

Civil Case No.: 09 CIV 289 (RMB) (HBP)

**SUMMARY OF THE DOCUMENT TO BE SERVED**  
**ELEMENTS ESSENTIELS DE L'ACTE**

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

*Convention relative à la signification et à la notification à l'étranger des actes judiciaires et extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 Novembre 1965.*  
 (article 5, fourth paragraph)  
 (article 5, alinéa 4)

Name and address of the requesting authority: Karina Shreefer, Esq.

Nom et adresse de l'autorité requérante : LEGAL LANGUAGE SERVICES

8014 State Line Road, Suite 110, Leawood, Kansas 66208, U.S.A.

Tel. 1.913.341.3167

Particulars of the parties\*:

Identité des parties : IN RE HERALD, PRIMEO AND THEMA FUNDS SECURITIES LITIGATION

**JUDICIAL DOCUMENT\*\***  
**ACTE JUDICIAIRE**

Nature and purpose of the document:

Nature et objet de l'acte : To give notice to the Defendant of the commencement of a civil claim against him and to summon him to answer or otherwise respond.

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:

Nature et objet de l'instance, le cas échéant, le montant du litige : A civil action has been commenced against the Defendant.

Date and place for entering appearance\*\*:

Date et lieu de la comparution : Within twenty-one (21) days after service of the Summons (not counting day of receipt), Defendant must serve upon the Plaintiff's Attorney (Cohen Milstein Sellers &amp; Toll PLLC) an Answer to the attached Complaint or a Motion under Rule 12 of the Federal Rules of Civil Procedure. Defendant also must serve his Answer or Motion with the court Clerk of the United States District Court, Southern District of New York located at: 500 Pearl Street, New York, New York 10007, U.S.A.

Court which has given judgment\*\*:

Juridiction qui a rendu la décision : N/A

Date of judgment\*\*:

Date de la décision : N/A

Time limits stated in the document\*\*:

Indication des délais figurant dans l'acte : Within twenty-one (21) days after service of the Summons (not counting day of receipt), Defendant must serve upon the Plaintiff's Attorney (Cohen Milstein Sellers &amp; Toll PLLC) an Answer to the attached Complaint or a Motion under Rule 12 of the Federal Rules of Civil Procedure. Defendant also must serve his Answer or Motion with the Court. If Defendant fails to respond, judgment by default will be entered against him for the relief demanded in the Complaint.

**EXTRAJUDICIAL DOCUMENT\*\***  
**ACTE EXTRAJUDICIAIRE**

Nature and purpose of the document:

Nature et objet de l'acte : N/A

Time limits stated in the document\*\*:

Indication des délais figurant dans l'acte : N/A

\* If appropriate, identity and address of the person interested in the transmission of the document.  
 S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte.

\*\* Delete if inappropriate.  
 Rayer les mentions inutiles.

Civil Action No.: 09 CIV 289 (RMB) (HBP)

**NOTICE**

*(recommended by the Fourteenth Session of  
Hague Conference of October, 1980)*

**identité et adresse du destinataire**  
*identity and address of the addressee*

Michael WHEATON, *an individual at his place of  
employment:* Axiss International Management Ltd.  
2<sup>nd</sup> Floor, Windward III  
Regatta Office Park  
85 Peninsula Ave.  
Grand Cayman KY1-1207  
CAYMAN ISLANDS

**TRÈS IMPORTANT**

LE DOCUMENT CI-JOINT EST DE NATURE JURIDIQUE ET PEUT AFFECTER VOS DROITS ET OBLIGATIONS. LES "ÉLÉMENTS ESSENTIELS DE L'ACTE" VOUS DONNENT QUELQUES INFORMATIONS SUR SA NATURE ET SON OBJET. IL EST TOUTEFOIS INDISPENSABLE DE LIRE ATTENTIVEMENT LE TEXTE MÊME DU DOCUMENT. IL PEUT ÊTRE NÉCESSAIRE DE DEMANDER UN AVIS JURIDIQUE.

SI VOS RESSOURCES SONT INSUFFISANTES, RENSEIGNEZ-VOUS SUR LA POSSIBILITÉ D'OBTENIR L'ASSISTANCE JUDICIAIRE ET LA CONSULTATION JURIDIQUE SOIT DANS VOTRE PAYS SOIT DANS LE PAYS D'ORIGINE DU DOCUMENT.

LES DEMANDES DE RENSEIGNEMENTS SUR LES POSSIBILITÉS D'OBTENIR L'ASSISTANCE JUDICIAIRE OU LA CONSULTATION JURIDIQUE DANS LE PAYS D'ORIGINE DU DOCUMENT PEUVENT ÊTRE ADRESSÉES :

Legal Services for New York City  
350 Broadway  
New York, New York 10013  
U.S.A.  
Tel. 1.212.431.7200

**IMPORTANT**

THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE "SUMMARY OF THE DOCUMENT TO BE SERVED" WILL GIVE YOU SOME INFORMATION ABOUT ITS NATURE AND PURPOSE. YOU SHOULD, HOWEVER, READ THE DOCUMENT ITSELF CAREFULLY. IT MAY BE NECESSARY TO SEEK LEGAL ADVICE.

IF YOUR FINANCIAL RESOURCES ARE INSUFFICIENT YOU SHOULD SEEK INFORMATION ON THE POSSIBILITY OF OBTAINING LEGAL AID OR ADVICE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.

ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:

Legal Services for New York City  
350 Broadway  
New York, New York 10013  
U.S.A.  
Tel. 1.212.431.7200